

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF OKLAHOMA**

HOPKINS AG SUPPLY LLC, )  
                                )  
Plaintiff,                 )  
                                )  
vs.                         )              Case No. 5:12-cv-01141-C  
                                )  
FIRST MOUNTAIN BANCORP, a )  
Nevada Corporation;        )  
GEORGE GOWEN, an individual; )  
UNDERWRITERS GROUP, INC., )  
a Florida Corporation;     )  
LARRY WRIGHT, an individual; )  
PHENIX SERVICES, a Florida )  
Corporation;                )  
TURHAN'S BAY EXPORT & )  
IMPORT CO., an Illinois Corporation; )  
TURHAN EREL, an individual; )  
ADVANCE TRADING, INC., a )  
Kansas Corporation;        )  
TROY RIGEL, an individual. )  
                                )  
Defendants.                 )

**APPLICATION FOR ENTRY OF  
CERTIFICATE OF DEFAULT BY THE CLERK**

Plaintiff, Hopkins Ag Supply, LLC (“Hopkins”), hereby files this Application for Entry of Certificate of Default by the Clerk (the “Application”). Pursuant to the Application, Hopkins respectfully requests entry of a certificate of default by the Clerk against Defendant, George Gowen (“Gowen”) for failure to plead or otherwise defend in this proceeding as required by law. In support of this Application, Hopkins respectfully states and alleges as follows:

1. Hopkins commenced this proceeding on October 17, 2012 by filing its Complaint alleging a cause of action for breach of contract [Doc. No. 1] (the “Complaint”), against First Mountain Bancorp (“First Mountain”).

2. On January 22, 2013, Hopkins filed its Amended Complaint alleging causes of action for breach of contract, fraud, unjust enrichment and negligence [Doc. No. 26] (the “Amended Complaint”) against Gowen. Gowen is the president of First Mountain.

3. The Deputy Clerk of the United States District Court for the Western District of Oklahoma entered default as to Gowen on May 14, 2013. [Doc. No. 59].

4. Thereafter, the Court entered judgment in favor of Hopkins and against Gowen in the amount of \$244,001.52. [Doc. No. 94].

5. On July 23, 2015, Hopkins filed its Third Amended Complaint alleging new causes of action for conspiracy to commit fraud and breach of settlement agreement (the “Third Amended Complaint”) against Gowen. [Doc. No. 174].

6. Pursuant to Rule 5(a) of the Federal Rules of Civil Procedure, Hopkins’ new and additional causes of action against Gowen required Hopkins to serve Defendant Gowen in accordance with Rule 4 of the Federal Rules of Civil Procedure. *See FED. R. CIV. P. 5(a)(2).*

7. In light of Gowen’s continued attempts to avoid service of the Third Amended Complaint, this Court entered an Order permitting Hopkins to serve Gowen via private delivery service. [Doc. Nos. 182 and 183].

8. As evidenced by the Return of Service [Doc. No. 184], Gowen was properly served with the Third Amended Complaint on December 3, 2015.

9. Pursuant to Rule 15 of the Federal Rules of Civil Procedure, the time for Gowen to answer or otherwise respond to the Third Amended Complaint expired on December 17, 2015.

10. Gowen has failed to file an answer or responsive pleading in response to the Third Amended Complaint and, as such, Gowen is in default.

11. The Affidavit of Jennifer M. Ventura is attached hereto in support of this Application.

Respectfully Submitted,

*s/Jennifer M. Ventura*

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Juston R. Givens, OBA #19102

Jennifer M. Ventura, OBA #19888

**PHILLIPS MURRAH P.C.**

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***ATTORNEYS FOR PLAINTIFF***

**ATTORNEY LIEN CLAIMED**

**CERTIFICATE OF SERVICE**

I hereby certify that on the 18th day of January, 2016, I served the attached document by first class mail, postage pre-paid, on the following, who are not registered participants of the ECF System:

George Gowen  
12570 Hillside Drive  
Truckee, CA 96161

I hereby certify that on the 18th day of January, 2016, I electronically transmitted the above and foregoing instrument to the Clerk of the Court using the ECF System for filing. Based on the records currently on file, the Clerk of Court will transmit a Notice of Electronic Filing to the following ECF registrants:

Bradley E. Davenport – [davenport@gungolljackson.com](mailto:davenport@gungolljackson.com)

Douglas L. Jackson – [Jackson@gungolljackson.com](mailto:Jackson@gungolljackson.com)

Evan B. Gatewood – [egatewood@hmglawyers.com](mailto:egatewood@hmglawyers.com)

*s/ Jennifer M. Ventura*  
Jennifer M. Ventura